

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

STARR INDEMNITY & LIABILITY  
COMPANY,

Plaintiff,

v.

BOYS AND GIRLS CLUB OF  
CARBONDALE, RANDY OSBORNE,  
DARLENE FAUST, as Mother and Next  
Friend of D.F., a minor, FORRESTINE  
WILLIAMSON, as Mother and Next  
Friend of B.B., T.W. and To. W., minors,

Defendants.

Case No. 11-cv-0858-MJR-PMF

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

In light of Seventh Circuit admonitions, *see, e.g., America's Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072 (1992), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. The Court has noted the following defect in the jurisdictional allegations of the Complaint (Doc. 2) filed by the plaintiff:

**Failure to allege the citizenship of infant or incompetent party.** Where a suit is brought on behalf of an infant or incompetent, the citizenship of the legal representative shall be deemed to be the citizenship of the infant or incompetent. 28 U.S.C. § 1332(c)(2). The plaintiff has alleged the citizenship of the legal representative of the minor parties in this case but not the citizenships of the minors themselves.

The Court hereby **ORDERS** that the plaintiff shall have up to and including December 9, 2011, to amend the faulty pleading to correct the jurisdictional defect. Failure to amend the faulty pleading may result in dismissal of this case for lack of subject matter

jurisdiction or for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Amendment of the faulty pleading to reflect an adequate basis for subject matter jurisdiction will satisfy this order. The plaintiff is directed to consult Local Rule 15.1 regarding amended pleadings and need not seek leave of Court to file such amended pleading.

**IT IS SO ORDERED.**

**DATED: November 22, 2011**

**s/ Michael J. Reagan**  
**MICHAEL J. REAGAN**  
**UNITED STATES DISTRICT JUDGE**